

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

DANIEL WAYNE EDWARDS
Plaintiff,

V.

**MAGICAL CRUISE COMPANY
LIMITED D/B/A DISNEY CRUISE
LINES, GRS LOGISTICS, INC.,
DANIEL EDWARDS ARRINGTON,
CRISPIAN LARGE, AND HEMANT
J. KINALKER**
Defendants.

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CIVIL ACTION NO. 3:15-cv-3

NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF SAID COURT:

PLEASE TAKE NOTICE that Defendant, Magical Cruise Company Limited d/b/a Disney Cruise Line (hereinafter “MCC” or “Defendant”), files this Notice of Removal of this cause from the 10th Judicial District Court of Galveston County, Texas, to the United States District Court for the Southern District of Texas, Galveston Division, the District and Division encompassing the place where the state court is located. This Notice of Removal is filed pursuant to 28 U.S.C. §§ 1332, 1441, and 1446. In support thereof, MCC would respectfully show this Court as follows:

**I.
INTRODUCTION**

1. On November 26, 2014, Plaintiff Daniel Wayne Edwards (hereinafter “Edwards” or “Plaintiff”) commenced an action against MCC and others in the 10th Judicial District Court of Galveston County, Texas, entitled “*Daniel Wayne Edwards v. Magical Cruise Company Limited d/b/a Disney Cruise Lines, GRS Logistics, Inc., Daniel Edwards Arrington, and Chris (sic)*

Large” (hereinafter the “Original Petition”) pending as Cause No. 14-cv-1251 (the “State Court Action”). MCC was served on December 9, 2014. Thereafter, Plaintiff filed his First Amended Petition on December 17, 2014, correcting the name of Defendant Chris Large to Crispian Large, and adding Hemant J. Kinalker as a Defendant.

2. This Notice of Removal is filed before the 30 day period of receipt of the Original Petition and within one year of the commencement of the action, so that it is timely filed under 28 U.S.C. § 1446(b).

II. FACTUAL BACKGROUND

3. Plaintiff alleges that on or about December 29, 2012, he was employed as a longshoreman in the Port of Galveston and was injured while driving a forklift and transferring cargo between a tractor trailer semi-truck and a loading dock.

III. BASIS FOR REMOVAL – DIVERSITY JURISDICTION

4. This case is removable because there is complete diversity of citizenship, the amount in controversy is greater than \$75,000, exclusive of interests and costs, and none of the Defendants are citizens of the State of Texas. 28 U.S.C. §§ 1332(a); 1441(b)(2). This Court would have had original subject matter jurisdiction over this action under the provisions of 28 U.S.C. § 1332 if the action had originally been brought in federal court.

A. The Amount in Controversy Exceeds \$75,000

5. The amount in controversy in this action exceeds \$75,000, exclusive of interests and costs, as required by 28 U.S.C. § 1332(a). Plaintiff’s Civil Case Information Sheet reflects damages sought of “over \$200,000 but not more than \$1,000,000”.

B. Diversity of Citizenship Exists

6. There is complete diversity between the parties. Edwards is a resident citizen of the State of Texas. (**Plaintiff's Original Petition**, at Page 1).

7. Defendant MCC is a business entity incorporated in England and Wales, with its principal place of business at 3 Queen Caroline Street, London W6 9PE U.K.

8. Defendant GRS Logistics, Inc. is a Florida corporation with its principal place of business at 625 West Bridgers Avenue, Auburndale, FL 33823.

9. Defendant Daniel Edwards Arrington is an individual and a citizen and resident of the State of Florida.

10. Defendant Crispian Large is an individual and a citizen of United Kingdom and a resident of United Kingdom or Florida.

11. Defendant Hemant J. Kinalker is a citizen of India and resident of India.

12. Accordingly, there is complete diversity between Plaintiff and all Defendants.

**IV.
ADDITIONAL PROCEDURAL MATTERS**

A. Proper Federal District Court

13. The 10th Judicial District Court of Galveston County, Texas is located within the Southern District of Texas, Galveston Division. Consequently, pursuant to 28 U.S.C. § 1441, this action is properly removed to this Court.

B. State Court Documents Attached

14. This Notice of Removal is accompanied by the following documents:

- i. All executed process in this case (**Exhibit A-1**);
- ii. All pleadings asserting causes of action, *e.g.*, petitions, counterclaims, cross actions, third-party actions, interventions, and all answers to such pleadings (**Exhibit A-2**);

- iii. The state court docket sheet (**Exhibit A-3**);
- iv. An index of matters being filed (**Exhibit A-4**); and
- v. A list of all counsel of record, including addresses, telephone numbers, and parties represented (**Exhibit A-5**).

C. Consent of All Defendants

15. Defendants Crispian Large and Hemant J. Kinalker have not been properly served as of the time of this removal. In any event, undersigned is counsel for Defendants Large and Kinalker and they consent to the removal. Defendants GRS Logistics, Inc. and Daniel Edwards Arrington have not yet appeared and are not yet represented by counsel. However, Defendants GRS and Arrington have consented to the removal.

D. Notice

16. Upon filing this Notice of Removal, MCC will provide written notification to Edwards and will file a Notification of Removal, attaching a copy of this Notice of Removal, with the Clerk for the 10th Judicial District Court of Galveston County, Texas.

E. Jury Demand

17. Edwards has not made a jury demand.

**V.
PRAYER**

For the foregoing reasons, Defendant Magical Cruise Company Limited d/b/a Disney Cruise Line prays that this action against it, pending in the 10th Judicial District Court of Galveston County, Texas and bearing civil action number 14-cv-1251, be removed to this Honorable Court.

Respectfully submitted,

By: /s/ John F. Unger

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D/B/A DISNEY CRUISE LINE**

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that on this the 7th day of January, 2015, a true and correct copy of the foregoing was served upon all counsel of record as listed below via fax and regular mail to:

VIA FACSIMILE: (713) 993-9007

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